

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 16, 2000

IN RE:

**COMPLAINT BY AT&T REGARDING THE
DELIVERY OF CALLER NAME SERVICES BY
BELLSOUTH TELECOMMUNICATIONS, INC.**

DOCKET NO. 00-00971

**ORDER GRANTING INTERVENTIONS OF SECCA, XO AND TIME WARNER
AND REFLECTING FILING SCHEDULE**

This matter is before the Tennessee Regulatory Authority (the "Authority") upon the Complaint by AT&T Local Service ("AT&T") filed against BellSouth Telecommunications, Inc. ("BellSouth") on October 30, 2000.

On October 31, 2000, the Authority appointed Joe Werner, Chief of the Telecommunications Division, to act as Hearing Officer in this matter to render an initial decision on the merits of this petition pursuant to Tenn. Code Ann. § 4-5-301 and § 65-2-111. On November 7, 2000, a meeting was held with the parties, AT&T and BellSouth, for the purpose of establishing a briefing schedule. At that meeting, counsel for XO Tennessee, Inc., ("XO") appeared and made an oral motion to intervene in this docket. Counsel stated that a written petition to intervene would be filed that afternoon. BellSouth opposed the oral motion, stating that it would need to review the written petition to determine whether it would object to the intervention request of XO. Counsel for XO

FAXED
11-16-00
by Dixon

FILED
11-20-00

indicated that he also planned on filing a Petition to Intervene on behalf of the Southeastern Competitive Carriers Association (“SECCA”). XO and SECCA were directed by the Hearing Officer to file its Petition to Intervene no later than November 7, 2000. BellSouth was directed to file any objection thereto no later than November 13, 2000.

On November 7, 2000, SECCA and XO each filed a Petition to Intervene in this docket. Both SECCA and XO assert that “whatever interim or permanent adjustments BellSouth is ordered to make — or not make” will directly impact the customers and the “legal rights, duties and privileges or other legal interest” of XO and SECCA.

On November 9, 2000, Time Warner Telecom of the Midsouth, L.P. (“Time Warner”) petitioned for intervention. Time Warner’s petition argues that “as a certified telecommunications service provider, Time Warner Telecom’s legal rights, duties, privileges, immunities, or other legal interests or responsibilities may be affected or determined by the outcome of this proceeding and Petitioner’s interest will not be adequately represented unless allowed to intervene.”¹

On November 13, 2000, BellSouth responded to the petitions of SECCA, XO and Time Warner. BellSouth opposed each petition arguing that “the Authority convened this proceeding very quickly in order to address one specific complaint raised by AT&T with respect to one specific customer.”² The response goes on to argue that “neither XO, SECCA, nor Time Warner make any specific allegations whatsoever, and nothing in their

¹ *Petition of Time Warner Telecom of the Midsouth, L.P. for Leave to Intervene*, ¶ 4.

² BellSouth’s Response to Petitions to Intervene, ¶2.

petitions even remotely suggests that time is of the essence with regard to any unspecified matter.”³

Tenn. Code Ann. § 4-5-310(a) sets forth the following criteria for granting petitions to intervene:

- (a) The administrative judge or hearing officer shall grant one
 - (1) or more petitions for intervention if:
 - (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;
 - (2) The petition states facts demonstrating that the petitioner’s legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and
 - (3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

While AT&T’s complaint focuses on the problems experienced by one particular customer, the complaint specifically requests that the TRA “order BellSouth to take immediate steps to correct network and database deficiencies.”⁴ Should the Authority order such network modifications in this proceeding, service to all competitive telecommunications service providers could be impacted. BellSouth recognizes this impact throughout its November 3, 2000 response and even attached a letter from BellSouth to XO, Time Warner and MCI Worldcom, Inc. referencing previous discussions with these providers on delivery of the caller’s name and ten digit global title translation (GTT).

³ Ibid, ¶ 3.

⁴ AT&T Complaint, October 30, 2000, ¶ 1.

BellSouth's letter also presents a schedule for implementing ten digit GTT (Exhibit B of BellSouth's November 3, 2000 response.)

Pursuant to Tenn. Code Ann. § 4-5-310(a) the Hearing Officer finds that the Petitions to Intervene filed by XO, SECCA and Time Warner are timely filed and have been properly served; substantiate that the legal interests of the intervenor may be determined in this matter; and demonstrate that the interests of justice and the orderly and prompt conduct of this matter would not be impaired by allowing the interventions. The petitions are therefore granted .

During the November 7, 2000 meeting, the Hearing Officer identified two threshold issues and established a schedule for briefing those issues.⁵ This schedule remains intact: initial briefs are to be filed with Authority by 2:00 p.m., November 22, 2000 with reply briefs to be filed by 2:00 p.m., December 1, 2000. In addition, each party shall file a proposed list of issues with the Authority by 2:00 p.m. on December 5, 2000.

IT IS THEREFORE ORDERED THAT:

1. That the Southeastern Competitive Carriers Association is hereby granted leave to intervene and participate in this proceeding as its interests may appear and receive copies of any notices, orders or other documents herein.

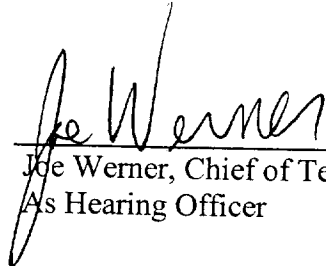
2. That XO Tennessee, Inc. is hereby granted leave to intervene and participate in this proceeding as its interests may appear and receive copies of any notices, orders or other documents herein.

⁵ The following threshold issues are to be briefed by the parties: 1) Is BellSouth legally obligated to provide CLECs with the elements necessary to deliver caller name services?, and; 2) Is BellSouth legally obligated to provide CLECs with 10-digit, Global Title Translation?

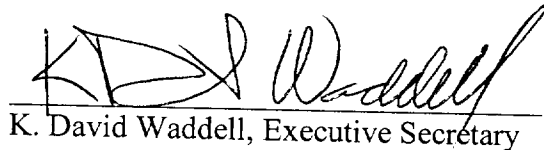
3. Time Warner Telecom of the Midsouth, L.P. is hereby granted leave to intervene and participate in this proceeding as its interests may appear and receive copies of any notices, orders or other documents herein.

4. All parties shall file a proposed list of issues by 2:00 pm on December 5, 2000.

5. Any party aggrieved with the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within fifteen (15) days from and after the date of this Order.


Joe Werner, Chief of Telecommunications
As Hearing Officer

ATTEST:


K. David Waddell, Executive Secretary

Docket No. 00-00971

VIA FACSIMILE AND U.S. MAIL

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